

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS**

WAYDE COLEMAN,)
)
)
Plaintiff,)
)
)
vs.) Case No. 1:11-cv-1256-TWP-DKL
)
)
TERRY CURRY, REBECCA MEYER,)
PAUL R CIESIELSKI, INDIANAPOLIS)
METROPOLITAN POLICE, DENNY)
RANDALL JASON,)
)
Defendants.)

**ORDER GRANTING VERIFIED MOTION TO QUASH
OF NON-PARTY MARION COUNTY SHERIFF'S OFFICE**

This matter is before the Court on the motion to quash filed by non-party Marion County Sheriff's Office ("Sheriff's Office") (Dkt. 45).

The Plaintiff's Subpoena to Produce Documents, Information or Objects or to Permit Inspection of Premises in a Civil Action dated September 17, 2012, ("the subpoena") requests production and inspection of the following:

inspection of holding cells, copies of all electronically stored information in regards to Wayne Coleman, copies of all medical records in regards to Wayde Coleman, inspection of kitchen, inspection of all release holding cells; all inspections is subject to be photographed by Mr. Coleman; he will be using a Canon EOS 60D.

(Subpoena, attached as Exhibit A, Dkt. 45-1). The Sheriff's Office objects to the subpoena to the extent it seeks to make inspections and take photographs of the Marion County Jail kitchen and all release holding cells. The Sheriff's Office argues that the subpoena is overly broad and not reasonably calculated to lead to the discovery of admissible evidence.¹ Specifically, the plaintiff's claims do not allege any actionable conduct or allegations that relate to the holding cells or the kitchen

¹ The Sheriff's Office reports that it gathered and produced to Plaintiff all medical records for periods of incarceration in 2005, 2008, 2009, 2010, 2011 and 2012 as requested on November 30, 2012.

of the Marion County Jail. In addition, the holding cells and the kitchen in the Marion County Jail are in 24-hour use to house and serve prisoners. The Sheriff's Office asserts that the inspection and photography the plaintiff seeks will compromise the security and orderly operation of the holding cells and the jail kitchen. In response, the plaintiff argues that the pictures will show the conditions of the jail he was subjected to and go to his proof of damages.

Under the circumstances set forth above, the Court finds the subpoena seeking inspection and photography of jail facilities imposes an undue burden upon the Sheriff's Office. The plaintiff has not shown a relationship between inspection and photography of the Jail facilities and any of the claims set forth in his Amended Complaint. If appropriate, the plaintiff may testify as to his personal experience at the Jail. **The motion to quash (Dkt. 45) is GRANTED and the subpoena is quashed** in accordance with Fed. R. Civ. P. 45(c)(3)(A)(iv).

IT IS SO ORDERED.

04/05/2013

Date: _____

Tanya Walton Pratt

Hon. Tanya Walton Pratt, Judge
United States District Court
Southern District of Indiana

Distribution:

Wayde Coleman
11313 Lynchburg Way
Indianapolis, IN 46229

Electronically registered counsel